IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M. JOSEPH

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

WP(C).No. 16775 of 2007(V)

PETITIONER:

THIRUVANANTHAPURAM DISTRICT JOB WORKERS CO-OPERATIVE SOCIETY LTD. NO.T.735, BEACH P.O., KARIKKAKOM, THIRUVANANTHAPURAM, REPRESENTED BY ITS PRESIDENT, N. KRISHNAN NAIR.

BY ADV. SRI. J. HARIKUMAR
SRI.HARIKUMAR.S.

RESPONDENTS:
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1. **G. SREELATHA, 'KEDARAM', BEACH P.O., KARIKKAKOM, THIRUVANANTHAPURAM.**

2. **CO-OPERATIVE ARBITRATION COURT, THIRUVANANTHAPURAM.**

R1 BY ADV. SRI. V. SURESH
R2 BY GOVERNMENT PLEADER SRI. P.K. RAVIKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 16775 of 2007(V)

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT. P1	**:**	**COPY OF MEMO NO. 438/06 DATED 15.01.2007 ISSUED TO THE 1ST RESPONDENT.**
EXT. P2	**:**	**COPY OF THE MEMO CHARGES NO. 455/07 DATED 28.02.2007 ISSUED TO THE 1ST RESPONDENT.**
EXT. P3	**:**	**COPY OF THE EXPLANATION DATED 05.03.2007 SUBMITTED BY THE 1ST RESPONDENT.**
EXT. P4	**:**	**COPY OF THE PLAINT DATED 06.03.2007 IN ARC NO. 15/2007 SUBMITTED BY THE 1ST RESPONDENT BEFORE THE CO-OPERATIVE ARBITRATION COURT, THIRUVANANTHAPURAM.**
EXT. P5	**:**	**COPY OF ORDER ON I.A. NO. 9 OF 2007 IN ARC NO. 15/2007 DATED 08.03.2007 OF THE CO-OPERATIVE ARBITRATION COURT, THIRUVANANTHAPURAM.**
EXT. P6	**:**	**COPY OF COUNTER DATED 11.04.2007 FILED BY THE PETITIONER IN ARC NO. 15/2007.**

// True Copy //

P.A. to Judge.

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K.M.JOSEPH, J.

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W.P.(C).No. 16775 OF 2007

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Dated this the 16th day of July, 2007

JUDGMENT

Petitioner suspended the first respondent . First respondent took up the matter before the Arbitration Court and obtained a stay of the said order for a period of two months. Petitioner has filed a written statement in which it is contended that proceedings itself is not maintainable. Learned Counsel for the petitioner submits that a decision may be ordered to be taken on the said question of maintainability as a primary issue as according to the petitioner the proceedings at the instance of the first respondent is not maintainable before the second respondent. There is a prayer is to quash Ext.P5.

2. I heard counsel for the respondent and the learned Government Pleader also.

The writ petition is disposed of directing the second respondent to take up the issue relating to maintainability of the proceeding instituted by the first respondent before the second

respondent and take a decision in accordance with law within a period of one month from the date of production of a copy of this judgment after affording an opportunity of hearing to both sides.

(K.M.JOSEPH, JUDGE)

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